

Remarks:

In response to the Office action mailed May 20, 2005, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1-2, 5-7 and 9-14, in view of the following amendments and remarks. Applicant acknowledges the withdrawing of claims 15-20 from consideration.

The Examiner has rejected claims 1, 2 and 4-6 under 35 U.S.C. §102(b) as anticipated by Donaldson, U.S. Patent No. 4,536,362. The Examiner has characterized Donaldson as disclosing a plastic (LLDPE) film that contains semi-spherical shaped ribs at a spacing of 0.065 to 4 inches.

The Examiner has next rejected claims 7-14 under 35 U.S.C. §103(a) as unpatentable over Donaldson in view of either Grund et al., U.S. Patent No. 5,946,878 or Clegg et al., U.S. Patent No. 4,245,013. The Examiner has taken the position that the Donaldson patent teaches the invention as substantially claimed except of the cellulose filler and that both the Grund and Clegg patents teach the use of reinforcing a ribbed polymer board with cellulose fibers. The Examiner concludes that it would have been obvious to one of skill in the art to use cellulose fibers to strengthen the Donaldson composite.

Next, the Examiner rejected claim 3 under 35 U.S.C. §103(a) as unpatentable over Donaldson in view of Cancio, U.S. Patent No. 4,465,729. The Examiner has characterized Cancio as disclosing weakened lines in a plastic sheet in order to size it to its particular application. The Examiner has concluded that it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide tear lines in the film, as taught by Cancio et al, in order to size it to its particular application.

Applicant has amended claim 1 to more particularly point out and distinctly claim the invention. Specifically, the present invention is directed to an extruded, rigid polymeric void-board for placement between adjacent horizontal layers of bricks to maintain an opening in a lower layer. The board is formed from a relatively thin, rigid planar element having first and second surfaces with a plurality of parallel ribs extending from and generally transverse to the first side. The ribs have a curved, semi-cylindrical profile and a predetermined height to width ratio. The height is less than a thickness of the planar element. The ribs are formed parallel to one another.

The board is formed from a polyolefin blend with a fibrous or particulate filler material. The board includes weakened regions formed in the planar element, in a single direction, generally parallel to the ribs and formed between selected ones of the ribs so as to provide a plurality of frangible regions for separating the board.

Applicant submits that this structure is not disclosed in any of the cited references of record either individually or in any combination. Specifically, the primary reference, the Donaldson patent, is not directed to a rigid board (or any board for that matter), but rather is directed to a film for wrapping objects such as pallets and the like (see, e.g., col. 1, lines 13-15). Likewise, the Cancio patent is also directed to a flexible film (see, e.g., FIG. 1 which shows the film in a roll form and an edge rolled upward to show the cross-hatched, multi-directional tear lines). Accordingly, neither the primary reference, nor the secondary reference used to reject claim 3 show the elements of the invention as claimed.

Moreover, Applicant submits that there is nothing in either the Grund or Clegg patents that would motivate or suggest to one skilled in the art to select the fiber-additive characteristic of those patents and to add those selected characteristics to disclosures of non-rigid films for strength enhancement.

Accordingly, Applicant respectfully submits that claims 1-2, 5-7 and 9-14 are allowable over the art of record and respectfully and earnestly solicits early indication of same. Applicant also respectfully requests entry of the concurrently submitted replacement drawing sheet in the application file.

Applicant believes that no fees are due in connection with the present AMENDMENT A. If, however, there are any fees due, the Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 23-0920.

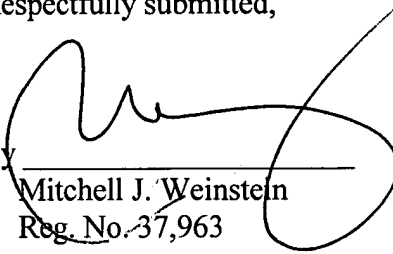
Serial No. 10/803,398
Art Unit 1772

Amendment A

Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, he is respectfully requested to contact the undersigned.

Respectfully submitted,

By



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August 3, 2005
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Amendments to the Drawings:

A replacement drawing sheet is filed herewith. In FIG. 1, the leader line from reference numeral 12 has been changed to lead to the void board. In the application as filed, the leader line was correctly shown. In a Response to a Notice to File Missing Parts (filed on June 14, 2004), one page of formal drawings was submitted, however, that drawing has an incorrect leader line. Accordingly, Applicant respectfully requests that the present replacement sheet be entered in the application file. In that the leader line shown in the present replacement drawing sheet conforms to that as originally filed, it is submitted that no new matter is added by this replacement sheet.